

## LAND USE AND ZONING COMMITTEE

*August 23, 2007*

The Land Use and Zoning Committee hereby find and determine that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 7 p.m.

The following members were present: Messrs. Haycox, Hullihen, Klco, Morse, Terriaco, and Messes. Ross, Diak. Staff: David Radachy. Audience: Mr. Lee Bodnar

### Perry Township – Proposed Text Amendments to Add Section 318 and Amend Sections 316 and 310

Staff explained that Section 318 would create a PUD overlay zone that would allow a continuing care facility to be built. A continuing care facility would allow development to have all levels of care from assisted living to full nursing care. Staff stated that Breckenridge Village in Willoughby was an example of this.

Staff explained the different types of PUDs and how they are created. The type that Perry Township is proposing is authorized under ORC 519.021 (C). Perry Township is proposing to create a floating overlay zone in I-2 Heavy Industrial Zone for continuing care development. An applicant would be required to obtain 25 acres of land and have access to sanitary sewer and water in order to apply to have the overlay zone to be placed onto the land.

Staff explained the process proposed in the regulations. The owner will have to apply to the Township for use of the overlay for property currently zoned I-2 Heavy Industry. The Zoning Commission will review it and make recommendations to the Township Trustees. The Township Trustees will approve or deny the application. If approved, a final site plan will be developed and approved administratively if it meets all the requirements that were placed onto it by the trustees.

This is an overlay zone; therefore, it does not need to follow the standard district change procedures of two public hearings, notifications of the neighboring properties and the Lake County Planning Commission recommendation.

Staff explained the major issues of:

1. I-2, Heavy Industry is the zone that allows foundries, brewing and distilling of liquors, meat packing, etc. I-2 does not currently allow residential uses in the zone. If this overlay is allowed to be placed into the I-2, the township could have a meat packing plant next door to the Continuing Care Community.
2. The CCOD development would be required to provide a 40 foot transition buffer to R and ER residential districts, but the I-2 Heavy Industrial uses are not required to provide a 40 foot transition buffer to these communities.

Staff also discussed the minor issues of:

1. This overlay is to create a development for older citizens. Why are child day cares listed as accessory use?
2. The text changes reference to the overlay district from Continuing Care Overlay District to CCOD to CCOD District. It should be referenced as Continuing Care Overlay District (CCOD) in the first paragraph and as CCOD the rest of the way through the text.
3. 318.02 (D), (E), and (F) should be moved to 318.05 Development standards because they are the minimum requirements needed in order to apply for the overlay zone.

4. Doctor's offices do not have the prohibition of signs that places of worship and supporting retail and banks have. The prohibition of signs for places of worship and supporting retail will make it difficult for the residents and the staff to find them. Places of worship and supporting retail should be allowed to have a small sign too so they can be found by the residents. The signs can be limited to the same size as the home base occupations. Doctor's offices should be limited to the same size signs.
5. Parking should be listed in the parking section.

Staff recommends placing the overlay zone into R, ER or B zone. Residential uses are allowed in those zones, and health care facilities are allowed in the B zones. Placing it into an I-2 zone would be a deterrent to the future residents because it would not be compatible with the other uses of I-2. The following changes should be made to the CCOD language:

1. Remove child day care from the list of accessory uses.
2. Allow small 2 square foot signs for doctor's offices, places of worship and supporting retail.
3. Require a 40-foot transition buffer from non-residential uses to these facilities.
4. Move 318.02 (D), (E), and (F) to 318.05 Development standards.
5. Refer to the district as Continuing Care Overlay District (CCOD) in the purpose statement as CCOD the rest of the way through the text.
6. Move Parking to Section 408.

Mr. Haycox stated he felt that the township should hire a consultant all the time to review these plans. Staff stated that more then likely, their current consultant will take care of the issue.

Ms. Diak thought that a day care would be fine in this district. It could be a perk for the nursing staff. Staff felt that there are plenty of day cares in the area and Day Care is a commercial use. Staff also felt that it would be difficult to just have the staff kids involved. Mr. Morse stated if this overlay stays in the I-2 zone and something goes wrong with one of the heavy industries, this would put another group of dependents into harms way. Ms. Diak agreed that day care would not be a proper use.

Mr. Haycox made a motion to recommend the text change with staff recommendations.  
Mr. Klco seconded the motion.

All voted "Aye".  
Motion passed.

Meeting adjourned at 7:25 p.m.